

REFERENCE TITLE: ASDB; personnel procedures

State of Arizona
House of Representatives
Forty-eighth Legislature
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HB 2035

Introduced by
Representatives Thrasher, Chabin, Sinema: Campbell CH, Schapira, Ulmer,
Senator O'Halleran

AN ACT

AMENDING SECTIONS 15-1326, 41-763.01 AND 41-771, ARIZONA REVISED STATUTES;
RELATING TO THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-1326, Arizona Revised Statutes, is amended to
3 read:

4 15-1326. Employment and discharge of personnel

5 A. The superintendent, acting on behalf of the board of directors,
6 shall employ all personnel needed for the operation of the schools. The
7 superintendent, with the approval of and acting on behalf of the board, may
8 issue individual contracts for teaching positions. The board shall review
9 all personnel appointments on a periodic basis and may require employment
10 justification by the superintendent as it deems necessary.

11 B. Except as provided in section 15-1325, the superintendent shall
12 place each new employee in a probationary employment status. ~~The board shall~~
~~determine the term and conditions of probationary employment status.~~ THE
13 ORIGINAL PROBATIONARY EMPLOYMENT STATUS PERIOD SHALL BE SIX MONTHS FROM THE
14 FIRST DAY OF EMPLOYMENT, UNLESS THE SUPERINTENDENT ESTABLISHES A DIFFERENT
15 ORIGINAL PROBATIONARY PERIOD FOR A SPECIFIC CLASS OF EMPLOYMENT POSITIONS.
16 THE PROBATIONARY PERIOD ESTABLISHED FOR A SPECIFIC CLASS OF EMPLOYMENT
17 POSITIONS SHALL NOT BE LESS THAN NINETY DAYS FROM THE FIRST DAY OF EMPLOYMENT
18 AND SHALL NOT EXCEED ONE YEAR FROM THE FIRST DAY OF EMPLOYMENT UNLESS AN
19 EMPLOYEE'S ORIGINAL PROBATIONARY PERIOD OF MORE THAN SIX MONTHS IS
20 SUBSEQUENTLY EXTENDED FOR SIX MONTHS. THE SUPERINTENDENT MAY EXTEND AN
21 ORIGINAL PROBATIONARY PERIOD FOR UP TO SIX ADDITIONAL MONTHS. The
22 superintendent may discharge any probationary employee who is unsuited or not
23 qualified for employment at the schools and shall file with the board a
24 written report of the action and the reasons for the discharge. On
25 satisfactory completion of probationary employment, employees shall be
26 granted permanent employment status.

27 C. The superintendent may discharge, ~~DEMOTE OR DISCIPLINE~~, only for
28 cause, any permanent employee at the schools. The superintendent shall file
29 with the board a written report of the action and the reasons for the
30 discharge, ~~DEMOTION OR DISCIPLINARY ACTION~~. ~~Permanent employees discharged~~
~~from employment at the schools are entitled to due process protections in the~~
~~manner provided by the board including but not limited to a hearing before~~
~~the board of directors. The due process procedures will be developed in~~
~~consultation with the employees.~~

31 D. THE SUPERINTENDENT SHALL PROVIDE SPECIFIED CHARGES IN WRITING TO A
32 PERMANENT EMPLOYEE WHO IS DISMISSED, SUSPENDED FOR MORE THAN FORTY WORKING
33 HOURS OR DEMOTED AS A RESULT OF DISCIPLINARY ACTION. A PERMANENT EMPLOYEE
34 MAY APPEAL THE EMPLOYEE'S DISMISSAL, SUSPENSION FOR MORE THAN FORTY WORKING
35 HOURS OR DEMOTION RESULTING FROM DISCIPLINARY ACTION TO THE STATE PERSONNEL
36 BOARD. THE APPEAL SHALL BE FILED NOT LATER THAN TEN WORKING DAYS AFTER THE
37 EFFECTIVE DATE OF THE DISMISSAL, SUSPENSION OR DEMOTION. AN APPEAL FILED
38 PURSUANT TO THIS SUBSECTION SHALL BE IN WRITING AND SHALL INCLUDE THE
39 SPECIFIC FACTS RELATING TO THE CHARGES ON WHICH THE APPEAL IS BASED. THE
40 STATE PERSONNEL BOARD SHALL CONDUCT A HEARING ON THE APPEAL NO LATER THAN

1 THIRTY DAYS AFTER THE APPEAL IS FILED. THE STATE PERSONNEL BOARD SHALL
2 PROVIDE THE SUPERINTENDENT WITH A COPY OF THE APPEAL AT LEAST TWENTY DAYS
3 BEFORE THE HEARING.

4 D. E. The board ~~shall~~ MAY prescribe policies for employees, including
5 employee conduct ~~and discipline~~.

6 Sec. 2. Section 41-763.01, Arizona Revised Statutes, is amended to
7 read:

8 **41-763.01. Annual report and recommendation**

9 A. The director shall prepare a report on state personnel and the
10 operation of the state personnel system.

11 B. The report shall include:

12 1. Information concerning all state employees, including employees of
13 all executive, legislative and judicial branch agencies. All agencies shall
14 provide any information requested by the director to prepare the annual
15 report.

16 2. Information concerning the number of employees affected by and
17 reasons for turnover within state service.

18 3. Information concerning the compensation during the preceding year
19 and the coming year of state employees and the compensation of other public
20 employees and private employees.

21 4. An advisory recommendation on the salary plan and adjustments to
22 the plan for employees in state service. In establishing the salary plan,
23 the director shall consider the relative levels of duties and
24 responsibilities of the various classes of positions, rates paid for
25 comparable positions elsewhere and other relevant factors.

26 5. An advisory recommendation for all positions that have been
27 exempted from covered service pursuant to section 41-771. Salary
28 recommendations shall not be required for elected officials. The director
29 shall make advisory salary recommendations for specific positions in the
30 governor's office, the legislature and the courts if requested by the
31 respective administrative heads of these units of state government.

32 6. The overtime pay requirements of all state agencies except those
33 agencies excluded by section 41-771.

34 7. Other information as determined by the director.

35 C. The annual report and recommendations shall be presented to the
36 governor and the legislature on or before September 1 of each year.

37 D. Notwithstanding section 41-771, the Arizona board of regents, the
38 department of public safety, ~~— AND the judicial department and the Arizona~~
39 ~~state schools for the deaf and blind~~ shall prepare and submit an annual
40 report on their personnel as prescribed in this section. The report shall
41 include:

42 1. Information concerning the number of employees affected by and
43 reasons for turnover of their employees.

1 2. Information concerning the compensation during the preceding year
2 and the coming year of their employees and the compensation of other public
3 employees and private employees.

4 3. An advisory recommendation on the salary plan and adjustments for
5 their employees. In establishing the salary plan, they shall consider the
6 relative levels of duties and responsibilities of the various classes of
7 positions, rates paid for comparable positions elsewhere and other relevant
8 factors.

9 4. Their overtime pay requirements.

10 Sec. 3. Section 41-771, Arizona Revised Statutes, is amended to read:

11 41-771. Exemptions

12 A. This article and article 6 of this chapter do not apply to:

13 1. Elected state officers.

14 2. State officers and members of boards and commissions who are
15 appointed by the legislature or the governor, the employees of the governor's
16 office, the employees of the Arizona legislative council and the employees of
17 the supreme court and the court of appeals.

18 3. State officers and employees who are appointed or employed by the
19 legislature or either house of the legislature.

20 4. The curator, curatorial aides and tour guides and any other person
21 who is employed to work in the state capitol museum.

22 5. Officers or employees of state universities ~~and personnel of the~~
23 ~~Arizona state schools for the deaf and the blind.~~

24 6. Patients or inmates who are employed in state institutions.

25 7. Officers and enlisted personnel of the national guard of Arizona.

26 8. The single administrative or executive director and one deputy
27 director of each state department or agency.

28 9. Not more than two assistants who serve in the office of an elected
29 state officer, if that elected state officer is the sole elected head of the
30 department.

31 10. One administrative assistant who serves a board or commission
32 elected to head a state agency, department or division, and one assistant for
33 each elected member of such a board or commission.

34 11. Persons who report directly to the governor.

35 12. Employees of the department of emergency and military affairs who
36 occupy Arizona national guard positions identified as mobilization assets.

37 13. Except as otherwise required by federal law and except for
38 certified peace officers as defined in section 38-842, correctional officers
39 and juvenile correctional officers, state officers and employees who are
40 appointed or employed after December 31, 2006 and who are at a pay grade of
41 twenty-four or above.

42 14. Any other position exempted by law.

43 B. Except for section 41-772, subsections D, E and F, this article and
44 article 6 of this chapter do not apply to those positions determined by the
45 director to meet any of the following criteria:

- 1 1. Top level positions in a department or agency that determine and
2 publicly advocate substantive program policy. This includes those persons
3 who are engaged in the direction of line operations if they report directly
4 to the director or deputy director of the agency and in large multiprogram
5 agencies those persons who report directly to the head of a primary component
6 of the department or agency.
- 7 2. Those persons who are required to maintain a direct confidential
8 working relationship with an exempt official.
- 9 3. Persons who provide legal counsel.
- 10 4. Positions that are part time.
- 11 5. Positions that are temporary and that are established for the
12 purpose of conducting a special project, study or investigation.
- 13 6. Positions that are essentially for rehabilitation purposes.
- 14 7. Positions that are determined by the director to be directly or
15 indirectly engaged in establishing policy or enforcement standards.
- 16 8. Directors of all institutions that maintain supervision or care on
17 a twenty-four hour per day basis other than halfway houses or group homes.